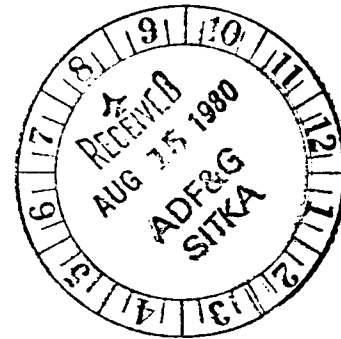


# City and Borough of Sitka

P.O. BOX 79 · SITKA, ALASKA · 99835

113-41

August 14, 1980



Regulation Functions Branch  
U. S. Army - Corps of Engineers  
Box 7002  
Anchorage, AK 99510

RE: STITZ - NPACO 071-OYD-4-770302  
HALE - NPACO 071-OYD-4-790297  
SWAN LAKE, SITKA, ALASKA

Dear Sirs:

I have been requested to review the historical perspective, past private and public activity around Swan Lake and clarify the official City and Borough of Sitka position on proposed developments and public interest in Swan Lake.

## HISTORICAL PERSPECTIVE - PRIVATE DEVELOPMENT

This entire section of the City of Sitka east and north of Swan Lake comprised of J. C. Brady homesite surveyed April 29, 1899 by George Garside, U. S. Deputy Surveyor and approved July 20, 1900 by N. L. Distin, U. S. Surveyor General. The area encompassed 64.79 acres and was known as U. S. Survey 226 (Brady Tract). Mr. Oscar Sirstad entered the picture later on and in 1965 had the Seattle, Washington engineering firm of Hubbell and Waller subdivide the area into the Sirstad Addition No. 2 of which the amended version was recorded in Sitka on April 23, 1965. Block 11, the area partially in question, was sold in 1965 to the Sitka Housing Development Company, housing agency for the Alaska Lumber and Pulp Company. At that time they were actively engaged in buying property and developing housing to assist in attracting workers to Sitka for their mill. This mid and late sixties period also saw the development of Lakeview Heights and Moore Memorial Addition, the other two private subdivisions that border the lake in question. In 1973, SHDC sold the remaining lots, which included the Stitz and Hale lots to a private development group which felt they could provide the funds to develop the remaining lower elevation lots. Lot 10 was sold to

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Mrs. Stitz in 1975 while Mr. Hale acquired Lots 8 and 9 in 1978. With the exception of Lots 5, 6, 7, 8, 9, and 10, the remaining lots both south and north of these lots along Lake Street and fronting directly on Swan Lake, were ALL built in 1974 - 1977.

#### HISTORICAL PERSPECTIVE - PUBLIC INTEREST

The Sitka public has always been interested in Swan Lake. The Russians, prior to U. S. Purchase, used to saw ice blocks from the lake to ship fish and other perishables to California. Sitkans have historically enjoyed the recreational pursuits of swimming, ice skating, boating, snowmachine racing, model boat and airplane flying and other such activities from and on the lake. Beginning in 1960, the local ADF&G office has engaged in research, fish planting and monitoring the lake. This includes old resolved problems of septic tank leachate prior to city sewers and suggestions on rehabilitation.

In 1963, the first local Comprehensive Plan for Sitka, suggested a periphery park be established around Swan Lake. However, in 1964 - 1965, the Swan Lake Urban Renewal program, saw both State of Alaska and Federal Hud project long with the Department of Highways, totally culvert the creek, bury it and create Lake Street which changed forever, the anadromous fish role the lake has enjoyed up till that time. Following that year, ADF&G began stocking trout or other fish to continue the sport fishing recreation use, especially the children fish derby held annually.

In the late 60's, a local contractor, sat up a dragline operation and dredged portions of the lake creating the fill area existing adjacent to Wrinklneck Creek on the east side of Swan Lake. This material was stockpiled, allowed to dry out and was sold locally for topsoil due to its excellent plant nutrient content.

Beginning in 1974, the City Planning Department with cooperation from the local ADF& G, began reviewing the lake for a possible rehabilitation project which could include some contained dredging to increase winter oxygenation of the lake, provide a recreation project and perhaps decrease forever, the plan eutrophication of the lake. This was felt to be a worthwhile project but no funding was then available to research the engineering aspects so as to not disturb or destroy Lake Street nor change needed lake balances. Also in 1974, the combination of low interest State mortgage money coupled with significant population growth in Sitka generated by the Chatham District of the U.S.F.S. being moved here from Juneau again spurred development along the lake. This accounted for the 1974-1975 City Sewer, Water and Road project where Lake Street was reconstructed all the way to Peterson Street and the High School north of the lake.

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#### PRESENT SITUATION

The "infamous" fill of the Stitz and Hale properties was originally accomplished during the 1975 project discussed above. Due to the substantial elevation change from Lake Street itself, the City designed the contracted for a secondary access road and sewer line to be installed immediately adjacent to the western edge of Lake Street. This provided gravity flow sewer to Lots 11, 10, 9, 8, 7, and 6 with one lift station carrying effluent up to the main line on Lake Street. Said fill averaged approximately 24' wide and accounts for the roughly 100 cubic yards on the Stitz property. Mr. Hale, upon purchase of the other lots began filling for actual house construction when stopped and this controversy began. As earlier mentioned, there are other private properties along the lake. There appears, from counting on a local property map, some 35 private lots immediately abutting Swan Lake. Only the above 6 discussed here, have not yet been developed. To the best of our knowledge, only shot rock fill was utilized and no leachat impregnated mill bark, pit run dirt/gravel or other such materials were utilized.

Beginning in late 1978, Sitka received a grant to accomplish a Phase I - Inventory Report for Coastal Management. While Swan Lake was again identified as a possible Area Meriting Special Attention, no management plan has yet been written nor an evaluation completed on this suggestion. The area is under study and the results will have to be submitted and approved.

In April 1980, Mrs. Stitz and Mr. Hale requested Corps of Engineers 404 permits to retain existing fill placed on the properties during the 1975 project and requesting permission to add fill in order to erect residences. A letter was sent, by Mr. Smith, then City Planner, that said; "Fill might be inconsistent with Sitka's District Coastal Management although since it predated coastal management, might be difficult or impossible to revise." I must emphasize that this is not the official city position. We have not yet approved any Coastal Management Plan even though we do continue to recognize the importance of the lake yet also recognize the private property rights.

On August 4, 1980, the Office of Coastal Management, Division of Policy Development and Planning, Office of the Governor, published an Agency Review Draft of a document entitled; Wetlands Management in Alaska - A Report to the Alaska Coastal Policy Council. On pages 35 - 36 of that document, it is stated that the Corps of Engineers only re-published their definition of wetlands and their 404 permit authority on July 25, 1975 following a court decision back east and did not accept jurisdiction of lakes (primary tributaries to Phase I waters and lakes greater than 5 acres) until September, 1976.

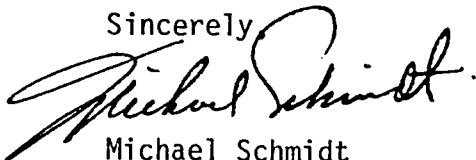
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At present, the City and Borough of Sitka is actively involved in Swan Lake. It is being studied by ADF&G as a possible habitat/wetlands AMSA under the Coastal Management District Program and the city is seeking inclusion into the Section 314 of the Clean Water Act per a grant under the Clean Lakes Program (EPA) which seeks eutrophication rehabilitation and a long desired recreation project. However, it is our position that unless the state or federal government is totally committed to non-development of those 6 remaining parcels which include Stitz and Hale, and are ready to provide funding, at fair market value, to acquire said lots, the City and Borough of Sitka would rather consider a program to minimize any adverse aspects of work with the property owners to allow them legal use of their private property.

#### SUMMARY

1. Lots have existed since 1965.
2. Lots do not represent major significant development creating new major degradation of lake.
3. City has yet not developed a management program nor prohibited lot development.
4. City does intend to work with ACMP/ADF&G and consultants to develop a management plan for the lake including a Clean Lakes Program to present further plant eutrophication.
5. City does not object to issuances of 404 permits nor water quality permits with the following conditions:
  - a. Fill be confined towards Lake Street side of properties adequate for single family houses,
  - b. Prohibit fill close to actual lake edge at major lowlands immediately adjacent to lake edge,
  - c. Property owners agree, in writing, through easement or other written agreement to give up development rights to further encroachment,
  - d. One structure per lot, only, be allowed.

Sincerely



Michael Schmidt  
Planning Director

MS:glb

cc: DEC, Demming Cowles, Dep. Comm., "O"  
ADF&G, Art Schmidt, 499  
USF&WS, Bill Hughes, 1020  
Wm. Babcock, Atty, Box A  
Mike McCormack, NBA, 639  
ACMP, Murray Walsh, Director, "AP"  
A-95, Michael Whitehead, Pouch AD, Juneau  
F. Gutierrez, Administrator